IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 12309 of 2005

Between:

K. Sudershan Reddy S/o. K. Narasimha Reddy
R/o. H.No. 5-11-186, Naimnagar, Hanmakonda, Warangal.

..... PETITIONER

AND

1 The Inspector under M.W. Act & Asst. Commissioner of Labour,

Warangal-II.
2 The Superintending Engineer, Panchayat Raj Department, Warangal.
3 The Authority U/s. 20(1) of Minimum Wages, Act & Dy. Commissioner

of Labour, Warangal-II.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records and quash the Order dt.12-4-2005 passed in I.A.No.1 of 2005 in M.W.No.2 of 2001, and consequently the entire proceedings in M.W.2 of 2001 pending on the file of the Authority under Minimum Wages Act and Deputy Commissioner of Labour, Warangal-II by issuing a Writ of Certiorari or any other appropriate Writ or Order or direction as the Hon'ble Court deems fit and proper in the circumstances of the case and to allow the writ petition with costs.

Counsel for the Petitioner: MR.BANKATLAL MANDHANI

Counsel for the Respondents: GP FOR LABOUR

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner-Contractor aggrieved by the dismissal of I.A.No.1 of 2004 in M.W.No.2 of 2001 by which the petitioner sought to decide the preliminary objection as to the maintainability of the case on the ground that the applicant/first respondent filed the claim under Section 20 (2) of the Minimum Wages Act without proper authorisation as contemplated under Rule 33 of the A.P. Minimum Wages Rules, 1960, and therefore, the case is to be dismissed on the preliminary objection for want of jurisdiction. However, the authority dismissed the IA observing that the filing of the IA, after completion of evidence and everything when the matter was posted for arguments, is only to delay the proceedings. Hence, the present writ petition.

2. The learned counsel for the petitioner contended that even if the issue raised by the petitioner was not decided as a preliminary issue, the third respondent authority ought to have decided the same while deciding the main case. But, however, rejecting the claim of the petitioner as to the incompetency of the first respondent in filing the Minimum Wages case, is illegal and without jurisdiction. Therefore, sought to set aside the impugned order.

3. Heard both sides and considered the material on record.

4. The impugned order passed by the third respondent is not proper and just, and therefore, without going into the merits of the matter, the impugned order is set aside and the third respondent is directed to dispose of the matter on merits including the objection as to the competency of the first respondent in filing the case under the payment of Minimum Wages Act.

5. Accordingly, the Writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

13th June, 2005

Note:

Furnish C.C. within three days

B/o.

SKM

To

1 The Inspector under M.W. Act & Asst. Commissioner of Labour,

Warangal-II.
2 The Superintending Engineer, Panchayat Raj Department, Warangal.
3 The Authority U/s. 20(1) of Minimum Wages, Act & Dy. Commissioner

of Labour, Warangal-II.

4 Two C.Cs. to G.P. for Labour, High Court Buildings, High Court of

A.P., Hyderabad (OUT)

5 2 CD copies

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